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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,847	12/21/2001	Hubert Elmer	NHL-DOR-105	4055

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EXAMINER
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YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,847

Applicant(s)

ELMER, HUBERT

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a first office action for application Serial No. 10/0368,847 filed December 21, 2001.

#### ***Drawings***

1. The drawings are objected to because the exploded view, i.e. Fig. 3, with the separated parts of the same figure, should be embraced by a bracket in order to show the relationship or order of assembly of various parts. Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include any reference signs mentioned in the description: for example: 253, 215, 216, 210, 223, 28, 230, 232, 238 etc (See Fig. 16, pages 28-30). It is applicant's responsibility to review of the specification and the corresponding drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Specification Objection***

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
5. The disclosure is objected to because of it lacks descriptions for Figures 8-16 under the section of "BRIEF DESCRIPTION OF THE DRAWINGS" (see page 7).

Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

7. Claims 1-2 are objected to because of the following informalities: the recited language "to hold a first glass pane into a corresponding hole in said first glass pane" appear to read "to hold a first glass pane and being inserted into a corresponding hole in said first glass panel" (claim 1, line 10; claim 2, line 9) . Appropriate correction is required.

Further, in claim 1, line 24, "the opening" lacks a proper antecedent basis" .

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the terms "an attachment arrangement" recited on several areas (lines 2, 6, 18) are confusing whether or not they are the same features. If same, they must be described with proper antecedent basis. If not, applicant needs to differentiate them such as by "first attachment arrangement" and "second attachment arrangement". Appropriate correction is required.

In claim 1, line 24-24, "said clamping element" is confusing as whether belong to the "first clamping element" or the "second clamping element".

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 3-5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Chae et al. (US Patent No. 6,430,894).

Chae et al. disclose a clamp fitting for clamping a double glass pane (100, 102) between two clamping elements which include a first clamping elements having a clamping ring (400) and a socket (300) inserted into a hole in the glass pane for holding one side of the glass pane, and a second clamping element having spacer (305, 306) and nut (309) for attaching opposite side of the glass pane, wherein the claiming ring is a conical nut having a conical surface set into the a boring of the glass pane, a clamping ring having a shape of a pot having a central boring located in a bottom of the pot, a socket having a retaining flange seating on the pot, and a cover (304) being a plastic flat disc detachably fastened to conical nut via the socket for covering the boring of the glass pane.

12. Claims 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No. 197 27 200.

German reference shows a clamp fitting for clamping a glass pane between two clamping elements which include a first clamping elements having a clamping ring (1) being a conical nut having a conical surface (2) set into the a boring (11) of the glass pane having a conical surface to inserted into a hole in the glass pane for holding one side of the glass pane, and a second clamping element having a washer attached to opposite side of the glass pane, and a bolt and a

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nut proving attachment arrangement for clamping the glass panel between the clamping elements, the conical nut (1) having a shape of a pot having a central boring (10) located in a bottom of the pot, a head of the bolt being seating on the pot, and a cover (5) being a plastic flat disc and detachably pressed and adhesive into the pot of conical nut to cover the bore of the glass pan.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blobaum (US Patent No. 6,158,177) in view of Chae et al. (US Patent No. 6,430,894).

Blobaum shows and teaches a building glass façade being mounted to a mounting structure (3), comprising: a plurality of glass panes (2) each having holes (4) with a conical surface, a first clamping element being a clamping ring (17) having a conical surface to be inserted into the hole (4) to hold the first glass pane, a second clamping element being an adjustable nut (10) having a flange portion (18) to hold the first glass pane and having external thread to attach the internal thread of the first clamping element (17) such that the flange portion of the second clamping element and the conical surface of the clamping element claim the first glass pane on the opposite sides of the first glass panel, an attachment arrangement including a bolt (5) having a head portion (6) being seated in a retaining portion (13) disposed about an

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opening of the first clamping element, a shank portion (7) being inserted into a corresponding mounting hole (22) in the mounting structure (3), said adjusting nut (10) having a slot (25) on a floor 16 of the slot-like groove (15), said bolt (5) having retaining flange (11) engaging with the slot such that the shank portion being aligned with the mounting hole in the mounting structure.

Although Blobaum does not define a removable cover being connected to the first clamping element to cover the hole in the glass panel as claimed, as old and well know, Chae et al. teach a building glass façade having an attachment arrangement for mounting a glass pane (100) to a structure, comprising a first clamping element having a clamping ring (400) with a conical surface being inserted into a hole of the glass pane for holding the glass pane, an attachment arrangement including a socket (301) having a flange seat on the conical surface of the clamping ring, and a bolt passed through an opening of the clamping ring and the socket for attaching the glass pane to a mounting structure (102), a second clamping element (309) mounted on the end of the bolt to clamp the glass pane therebetween, and a removable cover (304) being placed into the hole of the socket in the clamping ring for covering the hole of the glass pane. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the attachment arrangement of Blobaum having a removable cover being placed and connected to the first clamping element for covering the head portion of the bolt and covering the hole in the glass pane as taught by Chae et al. for sealing the hole of the glass pane to provide a smooth surface for the glass pane in the aesthetic purpose.

### *Citations*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

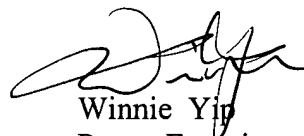
European Patent No. 972,905, Yoxon et al. '206, Demars et al. '514, Dirisamer et al. '903, Kordes '346, and Brunt '319 teach various building glass façades being attached to a building structure having clamping elements and attachment arrangement as similar to the claimed invention. Van der Wal '383, Akers '229, Chen et al. '117, Lenherr et al. '559 teach various attachment arrangement having a removable cover for covering a bore as similar to the claimed invention.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Winnie Yip  
Patent Examiner  
Art Unit 3637